

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION

03 SEP 25 AM 9:34

U.S. DISTRICT COURT
N.D. OF ALABAMA

JERRY WAYNE KITCHENS,)
Plaintiff)
vs.)
CIRCUIT JUDGE THOMAS R. JONES,)
Defendant)
CASE NO. CV03-PT-1295-W

ENTERED
SEP 25 2003

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on August 7, 2003, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed as frivolous under 28 U.S.C. § 1915A(b). The plaintiff filed objections to the report and recommendation on August 28, 2003.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections thereto, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the recommendation is ACCEPTED. Accordingly, the complaint is due to be dismissed pursuant to 28 U.S.C. § 1915A(b). A Final Judgment will be entered.

DATED this 25 day of Sept —, 2003


ROBERT B. PROBST
SENIOR JUDGE

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